

## DEPARTMENT OF EDUCATION

### Colorado State Board of Education

#### THE ADMINISTRATION OF ACCOUNTABILITY FOR ALTERNATIVE CAMPUSES

##### 1 CCR 301-57

###### **2207602-R-1.00 Statement of Basis and Purpose.**

The statutory basis for the revision to these rules is found in §22-2-106 (1) (a), C.R.S., State Board duties; §22-2-107 (1) (c), C.R.S., State Board powers; and §22-7-604.5, C.R.S., alternative education campuses and §22-11-210 (1) (b), C.R.S., Public schools - annual review. The revisions are being made in response to a request from the Committee on Legal Services.

The statutory basis for these rules is found in §22-2-106 (1) (a), C.R.S., State Board duties; §22-2-107 (1) (c), C.R.S., State Board powers; and §22-7-604.5, C.R.S., alternative education campuses and §22-11-210 (1) (b), C.R.S., Public schools - annual review.

Section 22-7-604.5, C.R.S., requires the State Board to adopt rules specifying the criteria and application process for a school to be designated an alternative education campus and to adopt rules specifying the information that will be used to effectively communicate to parents of students enrolled in an alternative education campus and to the public the performance of the alternative education campus and the performance of students enrolled in the alternative education campus. Section 22-11-210 (1) (b), C.R.S., requires the State Board to promulgate rules establishing objective, measurable criteria that the Department shall apply in recommending to the State Board that an alternative education campus implement a performance, improvement, priority improvement or turnaround plan or that an alternative education campus shall be subject to restructuring.

###### **2207602-R-2.00 Definitions.**

- 2.01 "Alternative Education Campus" means a public school, including a charter school that receives a designation pursuant to §22-7-604.5(1), C.R.S.
- 2.02 "Charter School Institute means the entity created pursuant to §22-30.5-503, C.R.S.
- 2.03 "Commissioner" means the office of the commissioner of education created and existing pursuant to section 1 of article IX of the state constitution.
- 2.04 "High-Risk Student" means a student enrolled in a secondary public school who:
- 2.04 (A) has been committed to the Department of Human Services following adjudication as a juvenile delinquent or is in detention awaiting disposition of charges that may result in commitment to the Department of Human Services;
  - 2.04 (B) has dropped out of school or has not been continuously enrolled and regularly attending school for at least one semester prior to enrolling in his or her current school;
  - 2.04 (C) has been expelled from school or engaged in behavior that would justify expulsion;
  - 2.04 (D) has a documented history of personal drug or alcohol use or has a parent or guardian with a documented dependence on drugs or alcohol;

- 2.04 (E) has a documented history of personal street gang involvement or has an immediate family member with a documented history of street gang involvement;
- 2.04 (F) has a documented history of child abuse or neglect;
- 2.04 (G) has a parent or guardian in prison or on parole or probation;
- 2.04 (H) has a documented history of domestic violence in the immediate family;
- 2.04 (I) has a documented history of repeated school suspensions; or
- 2.04 (J) is a parent or pregnant woman under the age of twenty years;
- 2.04 (K) is a migrant child, as defined in §22-23-103 (2), C.R.S.;
- 2.04 (L) is a homeless child, as defined in §22-1-102.5 (2), C.R.S.; or
- 2.04 (M) has a documented history of a serious psychiatric or behavioral disorder, including but not limited to an eating disorder, suicidal behaviors, or deliberate, self-inflicted injury.
- 2.05 "Institute Charter School" or "Institute" means a charter school that is authorized by the Charter School Institute pursuant to the provisions of part 5 of article 30.5 of title 22, C.R.S.
- 2.06 "Local School Board" means the board of education of a District. "Local School Board" also includes the governing board of a Board of Cooperative Education Services, as defined by §22-5-101, C.R.S., et seq., if the Board of Cooperative Education Services is operating a Public School.
- 2.07 "Public School" shall have the same meaning as provided in §22-1-101, C.R.S., and includes but is not limited to a district charter school, an Institute Charter School, and an online program as defined in section §22-30.7-102 (9), C.R.S.
- 2.08 "State Board" means the State Board of Education established pursuant to section 1 of article IX of the state constitution.
- 2.09 "Statewide Assessments" means the assessments administered pursuant to the Colorado student assessment program created in § 22-7-409, C.R.S., or as part of the system of assessments adopted by the State Board pursuant to § 22-7-1006, C.R.S.

**2207602-R-3.00 Criteria and Application Process for a School to be Designated an Alternative Education Campus.**

- 3.01 Criteria that a Public School must meet to be designated an Alternative Education Campus includes the following:
  - 3.01 (A) Having a specialized mission and serving a special needs or at-risk population;
  - 3.01 (B) Being an autonomous Public School, meaning that the school provides a complete instructional program that allows students to proceed to the next grade level or to graduate;
  - 3.01 (C) Having an administrator who is not under the supervision of an administrator at another public school;
  - 3.01 (D) Having a budget separate from any other Public School;

3.01 (E) Having nontraditional methods of instruction delivery; and

3.01 (F) One of the following:

- 3.01 (F) (i) Serving students who have severe limitations that preclude appropriate administration of the assessments administered pursuant to §22-7-409, C.R.S.;
- 3.01 (F) (ii) Serving a student population in which more than ninety-five percent of the students have either an individual education program pursuant to §22-20-108, C.R.S. or meet the definition of a High-Risk Student; or
- 3.01 (F) (iii) Serving students who attend on a part-time basis and who come from other Public Schools where the part-time students are counted in the enrollment of the other Public School; except that the results of the assessments administered pursuant to §22-7-409, C.R.S., of all part-time students and High-Risk Students shall be used in determining the levels of attainment on the performance indicators for the Public School for which the student is counted for enrollment purposes.;

3.02 On or before July 1 of each year, the Institute or Local School Board for any Public School that desires to be designated an Alternative Education Campus pursuant to §22-7-602, C.R.S., shall file with the State Board a request for designation as an Alternative Education Campus. A Public School may submit an application on its own, with approval from the Institute or Local School Board. Each request shall contain sufficient information to establish that the Public School meets the requirements established by these rules. The application will include the selection of the evaluation measures described in section 3.05 of these rules, below.

3.03 On or before August 20 of each year, the State Board shall approve the designation as an Alternative Education Campus for any Public School for which a request has been filed and that is found by the State Board to meet the requirements of these rules.

3.04 If the State Board denies a request for a Public School to be designated as an Alternative Education Campus, the Public School or the Institute or Local School Board for the Public School, may resubmit the application with any facts that the Public School, Institute or Local School Board finds relevant, within ten (10) business days of the State Board's initial determination. On or before September of each year, the State Board shall reconsider the Public School's designation as an Alternative Education Campus and shall issue a final determination on the matter.

3.05 The Department shall annually review the performance of each Alternative Education Campus based on the following indicators, and using the following measures:

3.05 (A) **Student achievement.** Student achievement shall be measured on the Statewide Assessments, if sufficient data is available. If sufficient data on the Statewide Assessments is not available, or if the Alternative Education Campus provides sufficient rationale for why information in addition to the Statewide Assessment data is necessary, student achievement also shall be measured on an alternative standardized assessment selected by the Alternative Education Campus, agreed to by the Local School Board for that Alternative Education Campus or the Institute, whichever is applicable, and approved by the Department pursuant to section 3.08 of these rules. Assessments other than the Statewide Assessments must be aligned with the academic standards adopted by the Local School Board or Institute pursuant to § 22-7-;

3.05 (B) **Student longitudinal academic growth.** Student longitudinal academic growth shall be measured on the Statewide Assessments, if sufficient data is available. If sufficient data

on the Statewide Assessments is not available, or if the Alternative Education Campus provides sufficient rationale for why information in addition to the Statewide Assessment data is necessary, student longitudinal academic growth also shall be measured on an alternative standardized assessment selected by the Alternative Education Campus, agreed to by the Local School Board for that Alternative Education Campus or the Institute, whichever is applicable, and approved by the Department pursuant to section 3.08 of these rules. The measures of student longitudinal academic growth must be consistent with the measures set forth in § 22-11-204 (2), C.R.S.;

- 3.05 (C) **Post-secondary and workforce readiness.** Post-secondary and workforce readiness shall be measured in a manner that is consistent with § 22-7-1008, C.R.S., and § 22-11-204, C.R.S., on measures that are selected by the Alternative Education Campus, agreed to by the Local School Board for that Alternative Education Campus or the Institute, whichever is applicable, and approved by the Department pursuant to section 3.08 of these rules. Post-secondary and workforce readiness measures shall include performance on the standardized, curriculum-based, achievement, college entrance examination administered as a Statewide Assessment or the postsecondary and workforce readiness assessment described in § 22-7-1003 (16), C.R.S., if sufficient data is available. Post-secondary and workforce readiness measures also shall include transition success for non-degree granting institutions; and
- 3.05 (D) **Student engagement.** Student engagement shall be measured in a manner that is selected by the Alternative Education Campus, agreed to by the Local School Board for that Alternative Education Campus or the Institute, whichever is applicable, and approved by the Department pursuant to section 3.08 of these rules. Student engagement may include attendance rates, truancy rates, student re-engagement rate or other measures of student/parent attitude or behavior that promote positive educational outcomes.
- 3.06 The measures used to evaluate the performance of each Alternative Education Campus shall reflect the unique purposes of the campus and unique circumstances of and challenges that must be met by the students enrolled in the campus, as well as consider the statewide performance targets established pursuant to § 22-11-201, C.R.S..
- 3.07 Prior to being evaluated, each Alternative Education Campus, after having received approval from its Local School Board or the Institute, whichever is applicable, shall submit the following to the Department for approval:
- 3.07 (A) The selected measure for each indicator (student achievement on a standardized assessment, student longitudinal academic growth on a standardized assessment, postsecondary and workforce readiness, and student engagement); and
- 3.07 (B) Measurable targets for each indicator that are achievable but ambitious, based on research, to the extent available, or, when such research is not available or adequate, calculated to enable rigorous review of school performance and future research;
- 3.08 Department approval of the measures and targets used to evaluate the performance of each Alternative Education Campus shall be based on:
- 3.08 (A) Whether the measures fairly evaluate the performance of the Alternative Education Campus based on the size and distinctive student population and mission of the school, and whether those measures can reasonably demonstrate successful changes in student attitudes, behaviors and performance;
- 3.08 (B) Whether the targets are achievable but ambitious, and allow for evaluation of progress towards attainment on each of the indicators described in section 3.05 of these rules;

- 3.08 (C) Whether the measures and targets reflect expectations established for students becoming postsecondary and workforce ready as described in Part 10 of Article 7 of Title 22 (the Preschool to Postsecondary Education Alignment Act) and § 22-2-136, C.R.S.;
- 3.08 (D) Whether the measures and targets recognize and make appropriate use of well-established or widespread existing practices in education of High-Risk Students or subgroups of such students; and
- 3.08 (E) Whether the measures and targets are based on data that will allow the Department to collect, evaluate, and, if needed, audit said data.
- 3.09 In evaluating the performance of each Alternative Education Campus, greatest emphasis shall be placed on student academic growth and postsecondary and workforce readiness.
- 3.10 Each August, the Department shall conduct a review of the performance of each Alternative Education Campus based on the school performance evaluation framework described in 1 CCR 301-1 and the performance evaluation framework described in section 3.05 of these rules. Following this annual review, the Department shall recommend to the Commissioner and the State Board whether the Alternative Education Campus shall adopt a performance, improvement, priority improvement, or turnaround plan, as said plans are described in §§22-11-403 to 22-11-406, C.R.S. Based on the recommendations, the State Board shall notify each Alternative Education Campus and its district school board or the Charter School Institute, if the Alternative Education Campus is an Institute Charter School, of the type of plan the Alternative Education Campus shall adopt. In adopting its plan, each Alternative Education Campus shall comply with the provisions of §§22-11-403 to 22-11-406, C.R.S., as applicable.
- 3.11 The local school board for an Alternative Education Campus or the Charter School Institute, if the Alternative Education Campus is an Institute Charter School, shall specify the accreditation category for the Alternative Education Campus in accordance with the accreditation process adopted by the district school board or the Charter School Institute pursuant to §22-11-307, C.R.S.
- 3.12 The Department shall publish on SchoolView a performance report for each Alternative Education Campus. The performance report for an Alternative Education Campus will effectively communicate to the parents of students enrolled in the Alternative Education Campus and to the public the performance of the Alternative Education Campus and the performance of students enrolled in the Alternative Education Campus. Said report will include the following information:
- 3.12 (A) All information included in the school performance reports for all other public schools in the state, pursuant to §22-11-503, C.R.S.; and
- 3.12 (B) Any additional information related to the performance of the Alternative Education Campus on the indicators described in section 3.05 of these rules, above.
- 3.13 Prior to the publication of the performance reports on SchoolView, the Department shall allow each District and the Institute a reasonable period of time to review the Alternative Education Campus' information as it will appear on the performance reports and correct any errors or misinformation identified by the District or Institute.